

TEMPORARY LEASE OF APPROPRIATION RIGHT

Use this form to effect a lease of an
existing water right per
§ 85-2-427, MCA

If the form is incomplete, the temporary lease
will be denied.

Filing Fee \$200.00

FOR DEPARTMENT USE ONLY

Notice No. _____ Basin _____
Priority Date _____ Time _____ AM - PM
Rec'd By _____
Fee Rec'd \$ _____ Check No. _____
Deposit Receipt # _____
Payor (if different from name(s) listed in item 1 below) _____
Refund \$ _____ Date _____
Deficiency Letter Sent _____

REQUIREMENTS FOR TEMPORARILY LEASING A WATER RIGHT ARE LISTED BELOW. PLEASE CHECK EACH BOX TO ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTAND EACH STATEMENT, AND, IF APPLICABLE, YOU WILL PROCEED AS INSTRUCTED.

- ☐ The water right must have been used within the last 5 years.
- ☐ The water right cannot have had a separate lease within the past 10 years and cannot be leased more than 2 years in a 10 year period. Water used on the same place of use (via a supplemental right) as water that was previously leased in the last 10 years cannot be leased.
- ☐ The annual lease period cannot exceed the period of diversion listed on the water right.
- ☐ The total volume leased annually cannot exceed 180 acre-feet.
- ☐ The leased volume cannot exceed the total consumptive volume of the water right as determined per ARM 36.12.2101.
- ☐ Supplemental water rights may not be used on the retired place of use during the term of the lease.
- ☐ The point of diversion of the water right may not be changed on this form—a Change Application must be filed to change the point of diversion.
- ☐ This form cannot be used to add a place of storage at the point of diversion or the original place of use.
- ☐ Leased water cannot be transported outside the state of Montana.
- ☐ Leased water must be measured and the amounts reported to DNRC.

1. WATER RIGHT OWNER INFORMATION:

NAME _____
MAILING ADDRESS _____
CITY _____ STATE _____ ZIP _____
WORK PHONE _____ HOME PHONE _____ CELL PHONE _____

2. LESSEE INFORMATION:

NAME _____
MAILING ADDRESS _____
CITY _____ STATE _____ ZIP _____
WORK PHONE _____ HOME PHONE _____ CELL PHONE _____

- 3. LEASE DATES:** ☐ 1ST Year—Begin: _____ End: _____
☐ No 2ND Year -OR- ☐ 2ND Year Begin: _____ End: _____ -OR- ☐ 2ND Year to be determined later (you must notify your DNRC Regional Office prior to second year start date).

4. WATER RIGHT NUMBER: _____

5. SOURCE OF WATER: _____

6. DIVERTED FLOW RATE LEASED: _____ ☐ GPM ☐ CFS

7. VOLUME LEASED: _____ ACRE-FEET

8. LEASED PURPOSE OF USE: _____

9. PLACE OF USE FOR NEW PURPOSE: (attach additional sheets if necessary)

1/4 _____ 1/4 _____ 1/4 Section _____ Twp _____ N / S Rge _____ E / W County _____
Lot _____ Block _____ Tract No. _____ Subdivision Name _____
Government Lot No. _____ COS No. _____
Street or Road Address, including City, State & Zip Code of the Development _____

10. ATTACH THE FOLLOWING:

- a. Evidence that the water right has been used within the last 5 years
- b. A description of how the use of this water right and any supplemental water rights will cease on the place of use during the lease period. Include the number and location of acres to be removed from irrigation, if applicable.
- c. An analysis of potential adverse effects and a description of planned actions to mitigate potential adverse effects.
- d. A description of your plan for measuring the leased water
- e. A copy of the executed lease agreement. *If not currently available, the agreement must be sent to DNRC prior to using the leased water.*
- f. Waiver of timelines form, if applicable.

11. AFFIDAVIT

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Water Right Owner Signature _____ Date _____

Water Right Owner Signature _____

**WATER POLICY INTERIM
COMMITTEE. 2013-14**



Go to web site <http://www.dnrc.mt.gov/wrd/> to learn additional information about the use of

September 9, 2013

Ex. No. 4

Form 650—TEMPORARY LEASE OF APPROPRIATION RIGHT**IMPORTANT INFORMATION**

All of the required information must be entered for your application to be considered correct and complete as required under 85-2-427, MCA. If the application is not correct and complete, it will be denied.

Please note, if an application is approved, the Department will provide notice to other users it deems may be adversely affected by the temporary lease; information will also be posted on the Department website. The Department will accept correct and complete objections to the temporary lease. If, after 60 days, there are no valid objections, the Department will issue a temporary lease authorization. If there are valid objections, the approval of the lease is cancelled and no water may be used pursuant to the lease. The owner of the water right whose lease approval was cancelled may request a hearing on the objection within 15 days of the cancellation. The owner will be required to show proof that the temporary lease will not adversely affect other users. The Department will issue an order after the hearing which will govern if the lease can be reinstated.

FORM INSTRUCTIONS

The statements near the top of the form must be acknowledged.

- Item 1.** Enter the complete name of the person listed as the water right owner(s), their mailing address, and phone numbers.
- Item 2.** Enter the complete name of the person listed as the potential lessee(s), their mailing address, and phone numbers.
- Item 3.** An owner may lease their water right, upon approval from the Department, for 2 years within any 10 year period. Enter the dates the lease will be in effect. If the lease is only for 1 year, please indicate that. If the lease is for 2 years, you may enter the dates for the second year or indicate that the second year will be decided upon at a later date. If you choose to decide at a later date, you must notify DNRC prior to the start date of the lease during the second year. Keep in mind, not only can the same water right not be leased more than 2 years in 10, the same place of use cannot be taken out of production, even on a supplemental water right, to supply water for a lease within the same 10 year period.
- Item 4.** Enter the water right number proposed for lease.
- Item 5.** Enter the source of water used.
- Item 6.** Enter the flow rate proposed for lease.
- Item 7.** Enter the volume proposed for lease. The proposed volume for lease cannot exceed 180 acre-feet and it cannot exceed the consumptive use of the water right per standards listed in ARM 36.12.2101. The Department will view historic information (as of the date of perfection of the water right (July 1, 1973 for Statements of Claims)) to confirm total historic use. If it is determined that less water than requested was used based on information available to the Department, the lease may be approved for a lesser amount than requested.
- Item 8.** Enter the purpose for which the water will be used when leased.
- Item 9.** Describe the location to the nearest 10 acres if possible. Legal land descriptions, subdivisions, geocodes, and certificate of survey information may be obtained from the county records, tax statements, or from the Montana Cadastral system at: <http://gis.mt.gov/>.
 Subdivisions – In addition to the above description, enter the lot and block or tract number, subdivision name.
 Government Lots – In addition to the land description, enter the government lot number.
 Certificate of Survey – In addition to the land description, enter the survey number.
 Street or Road Address – Enter the physical address of the development including city, state, and zip code.
- Item 10.** Attach the following:
- Evidence that the water right has been used in the last 5 years which can include recent aerial photos, dated photos, notarized affidavit, power bills, etc.
 - Explain how the use will cease on the water right place of use, including supplemental rights. Keep in mind, not only can the same water right not be leased more than 2 years in 10, the same place of use cannot be taken out of production, even on a supplemental water right, to supply water for a lease within the same 10 year period.
 - An analysis of potential adverse effects to other users as well as a plan to offset any potential adverse effects. Information must document any changes to historic rate, timing, and location of return flows and those water rights that may be affected by those changes.
 - Describe how you intend on measuring the amount of water sold to the lessee.
 - The lease agreement can be provided with the application or after the application is approved. The water right owner must submit the lease agreement to the applicable DNRC regional office prior to using the leased water.
 - If the original purpose of the water right proposed for lease is not irrigation, domestic, lawn & garden, or stock, include a signed waiver of timelines form which can be obtained from the Regional Office.
- Item 11.** If everything is correct, sign and date the form.

Send the form to your local Water Resources Regional Office.

BILLINGS: 406-247-4415; Airport Industrial Park, 1371 Rintop Dr, Billings MT 59105-1978
 Serving: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, & Yellowstone Counties
BOZEMAN: 406-586-3136; 2273 Boot Hill Court, Suite 110, Bozeman MT 59715
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